

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

RUSSELL GARNET TURNER,

Petitioner,

v.

**CIVIL ACTION NO.: 3:18-CV-58
(GROH)**

JENNIFER SAAD,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

Now before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Robert W. Trumble. Pursuant to this Court’s Local Rules, this action was referred to Magistrate Judge Trumble for submission of a proposed R&R. Magistrate Judge Trumble issued his R&R [ECF No. 18] on December 5, 2019. Therein, Magistrate Judge Trumble recommends that the Petitioner’s § 2241 petition [ECF No. 1] be denied and dismissed with prejudice.


Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court must conduct a *de novo* review of the magistrate judge’s findings where objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge to which no objection is made. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and of a petitioner’s right to appeal this Court’s Order. 28.U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).

Objections to Magistrate Judge Trumble's R&R were due within fourteen plus three days of service. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). As instructed, The Clerk of Court mailed a copy of the R&R, return receipt requested, to the *pro se* Petitioner at his last known address as reflected on the docket sheet, which was FCI Gilmer in Glenville, West Virginia. ECF No. 19. To date, service has not been accepted because the *pro se* Petitioner was released from federal custody on August 8, 2019.¹ Thus, no objections have been filed. Due to these circumstances, this Court no longer has jurisdiction over this matter.

Upon careful review of the R&R, it is the opinion of this Court that Magistrate Judge Trumble's Report and Recommendation [ECF No. 18] should be, and is hereby, **ORDERED ADOPTED** because the *pro se* Petitioner is no longer in federal custody. Therefore, the Petitioner's § 2241 Petition [ECF No. 1] is **DENIED** and **DISMISSED WITH PREJUDICE**.

This matter is **ORDERED STRICKEN** from the Court's active docket. The Clerk of Court is **DIRECTED** to mail a copy of this Order to the Petitioner by certified mail, return receipt requested, at his last known address as reflected on the docket sheet.

DATED: January 6, 2020



GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE

¹The Federal Bureau of Prisons Inmate Locator (<https://www.bop.gov/inmateloc/>) was used to determine the *pro se* Petitioner's release date.